Supreme Court, U. S.
FILED
SEP 23 1975
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-1485

WILLIAM ENGLISH, JR.,

Petitioner,

v.

HON. ALEXANDER A. LAWRENCE, Chief Judge United States District Court for the Southern District of Georgia; SEABOARD COAST LINE RAILROAD COMPANY; and BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES,

Respondents.

PETITIONER'S REPLY BRIEF

JACK GREENBERG
JAMES M. NABRIT, III
MORRIS J. BALLER
10 Columbus Circle
New York, N. Y. 10019

FLETCHER FARRINGTON
Hill, Jones & Farrington
208 East 34th Street
Savannah, Georgia 31401

Attorneys for Petitioner

September 1975.

MEILEN PRESS INC. — N. Y. C. — 219

IN THE

Supreme Court of the United States

October Term, 1974

No. 74-1485

WILLIAM ENGLISH, JR.,

Petitioner,

v.

HON. ALEXANDER A. LAWRENCE, Chief Judge United States District Court for the Southern District of Georgia; SEABOARD COAST LINE RAILROAD COMPANY; and BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES,

Respondents.

PETITIONER'S REPLY BRIEF

1. Since submission of the petition for a writ of certiorari in May 1975, the district court has entered no orders, findings or conclusions in this case. The respondent district judge has neither filed any response to the petition, nor indicated when a decision may be forthcoming. Thirty-three months have now passed since trial ended in this case.

2. The American Bar Association Commission on Standards of Judicial Administration has recently promulgated "Standards Relating to Trial Courts" (tentative draft, 1975). Section 2.52, Standards of Timely Disposition (at p. 88), recommends as follows:

> Matters under submission to a judge or judicial officer should be promptly determined. Short deadlines should be set for party presentation of briefs and affidavits and for production of transcripts. Decision where possible should be made from the bench or within a few days of submission; except in extraordinarily complicated cases, a decision should be rendered not later than 30 days after submission.[1]

3. The arguments made in the brief in opposition to certiorari filed by respondent Seaboard Coast Line Railroad merely attempt to obscure the issue presented here. Actions taken in *Hayes* v. *Seaboard Coast Line Railroad Co.*, C.A. No. 2371 (S.D. Ga.) and its companion case[2] are inapposite: it is *English*, not *Hayes*, that has been tried and awaits decision. Moreover, *Hayes* will be decided on the merits only after and based on the *English* decision, which controls *Hayes*.[3] Failure to decide *English* thus condems *Hayes* to limbo. Of the several orders entered in *English* since trial, relied upon by Seaboard, only one involved anything more than approval of an agreement between parties. On December 13, 1973—almost two years ago—the trial judge ordered that Seaboard's motion to expand the class, which plaintiff opposed, was "under consideration." [4]

---

[1] The ABA Commission's Commentary on this section notes, *inter alia*, that "It should not be left to lawyers to protest delay in the decision of a submitted matter"; and instead advises judicial self-policing.

[2] *Hamilton* v. *Seaboard Coast Line Railroad Co.*, C.A. No. CV 474-69 (S.D. Ga.).

[3] See p. 67a, Appendix 16 to Brief in Opposition filed by Seaboard.

[4] See pp. 59a-60a, Appendix 14 to Brief in Opposition filed by Seaboard.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

JACK GREENBERG
JAMES M. NABRIT, III
MORRIS J. BALLER
10 Columbus Circle
New York, N. Y. 10019

FLETCHER FARRINGTON
Hill, Jones & Farrington
208 East 34th Street
Savannah, Georgia 31401

Attorneys for Petitioner